

### **III. REMARKS**

The Examiner has previously stated the claimed invention to be unpatentable over Peppel in view of McGuire and Schoolfield.

In order to better show how the presently claimed invention is not obvious over the references, each reference is set forth in a claim chart showing why each of the three references do not teach the claimed invention. Also, reasons are then given as to why the three references should not be combined.

It is important to note that each word in the claim is important and to use the inventor's definition as set forth in the "Definitions" set forth below. An applicant may be her own lexicographer. *Markman v. Westview Instruments, Inc.*, 50 USPQ2d 1607 (Fed. Cir. 1995) (en banc), aff'd, 517U.S.370 (1996).

#### **Definitions:**

Some of these terms set forth in the specification have special meanings as follows:

1. Literary work – "At a minimum, a literary work must comprise at least 100 words or more and constitute an original work of authorship." See page 3, lines 24 and 25.
2. Associated with an advertisement – "Associated with an advertisement (e.g., a corporate name, a product name, a slogan, logo, icon, web site address, sound, description or illustration of product or service, or other promotional device).

Some or all of the playing pieces may not include advertisements, but could

instead be distributed in conjunction with an advertising campaign. As one example, a competition sponsor may distribute pieces from its stores or by mail with the advertising implicit in the distribution from the sponsor.” See page 4, lines 2 to 8.

3. Playing pieces – “Playing pieces can comprise physical objects (e.g. cards, plastic tablets, and the like) or an intangible object (e.g., a computer-generated display on a web page. Combinations of the two are also possible, such that some playing pieces are distributed in the form of physical objects while other playing pieces are distributed over the Internet (e.g., displayed on the web sites of sponsors.” See page 5, lines 14 to 18.
4. Prize – “A prize such as books, cash, scholarships, computers, trips, awards, recognition, or the like.” See page 6, lines 11 and 12.
5. Distinct parts – “distinct parts, each of which has no readily apparent relation to the other parts.” See page 2, line 17. “Distinct part of the same literary work that contain a number of words, but which cannot be readily correlated with other playing pieces without reading the distinct part of the literary work in each playing piece.” See page 5, lines 1 to 3.

Claim 26 must be interpreted in the light of the special meaning of some of the terms as those terms are set forth in the specification.

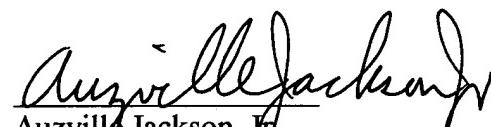
Peppel is the principal reference.

**IV. CONCLUSION**

Based on the cancellation of claims and addition of new claims as presented herein, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

Should the Examiner require any further information by Applicant or Applicant's undersigned representative regarding this response, the Examiner is invited to telephone the undersigned at the number set forth below.

Respectfully submitted,



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